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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,824

02/17/2004

Edward G. Tiedemann JR.

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EXAMINER

RIZK, SAMIR WADIE

ART UNIT

PAPER NUMBER

2133

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

02/07/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/07/2007.

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Office Action Summary	Application No. 10/780,824	Applicant(s) TIEDEMANN ET AL.	
	Examiner Sam Rizk	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 and 40-59 is/are allowed.
- 6) ☒ Claim(s) 24-39 is/are rejected.
- 7) ☒ Claim(s) 60-63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Response to the applicant's amendment dated 11/21/2006
- Amended claims 7,39 and 55-57 and claims 1-6,8-38,40-54 and 58-63 have been submitted for examination
- Claims 24-39 have been rejected
- Claims 60-63 are objected to
- Claims 1-23 and 40-59 have been allowed
-

Drawings Objections

1. In view of the applicant argument, see page 13, filed on 11/21/2006, all objections to the drawings are withdrawn.

Claim Objections

2. In view of the applicant arguments, see pages 14 and 15, filed on 11/21/2006 and amended claims 7 and 27, all objections the claims 7,27,39,41,57 and 63 are withdrawn.

3. Claim 60, line 1 should read:

"Computer readable media **operable containing a set of instructions which, when executed** to perform..."

Appropriate correction is required

4. Claims 61-63 are objected to for the same reasons as per claim 60.

Appropriate correction is required

Claim Rejections - 35 USC § 101

5. In view of the applicant arguments, see pages 15 and 16, filed on 11/21/2006 and amended claim 56, all rejections to the claims 1-5,19,21,23,40,56,58,59,60 and 62 under section 35 USC § 101 are withdrawn.

Claim Rejections - 35 USC § 112

7. In view of the applicant-amended claims 55-57, all rejections to the claims 55-57 under section 35 USC § 112 are withdrawn.

Response to Arguments

8. Applicant's arguments see pages 16-25, filed on 11/21/2006, with respect to the rejection(s) of claim(s) 1-23 and 40-63 under sections 102(e) and (103) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
9. Applicant's arguments see pages 22 and 23, filed on 11/21/2006, with respect to claim 24 and claims 25-39 depending therefrom have been fully considered but they are not persuasive.
10. The applicant in page 21, lines (1-2) contends that(emphasis added):

"Kadaba reference generally discloses that rate change bits are continuously transmitted with every acknowledgement bit. Specifically, the Kadaba reference at the specified citation recites:"

The Examiner disagrees and point the applicant to sections [0035], lines (26-27) and [0036], lines (19-25) in Kadaba that clearly discloses "two channel structure enabling the same functionality as the F-UCACH can be used where **one**

channel carries rate control/waiting period information and the other channel carries ACK/NACK feedback". This is **not** continuously transmitting with every acknowledgement bit the rate control information. These are two independent channels as disclosed in Kadaba.

11. The Examiner maintains the rejections of claim 24 and claims (25-39) depending therefrom as per the office action filed on 7/26/2006.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

12. The prior Art of record and in particular Hakkinen and Kadaba teaches system and method for forward and/or reverse link control channel structure.

However, the prior art do not teach, suggest, or otherwise render obvious the limitations as in claim 1 of the instant application:

- (Original) An apparatus, comprising:
- a message generator for:
- generating a first message comprising an acknowledgment indicator and a rate control indicator; and
- generating a second message conditioned on the rate control indicator.

13. Claims 2-5 depend from claim 1.
14. Claims 6,10,19-23,40,41 and 54-63 have similar language as in claim 1.
15. Claims 7-9 depend from claim 6.
16. Claims 11-18 depend from claim 10.
17. Claims 42-53 depend from claim 41.

Art Unit: 2133

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

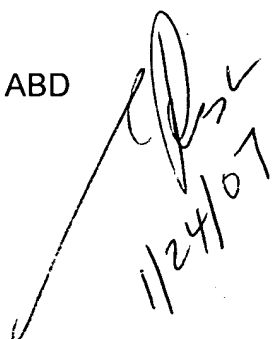
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk, MSEE, ABD

Examiner

ART UNIT 2133


1/24/07


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